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## FACSIMILE TRANSMITTAL SHEET

To:	USPTO Examiner Carlos Azpuru	FACSIMILE No.: (571) 273-0588 TELEPHONE No.: (571) 272-0588
	Group Art Unit 1615	1ELEPHONE (VO.: (5/1) 2/2-0366
From:	Shelley Eberle	FACSIMILE NO.: (650) 330-0980
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DATE:	June 23, 2004	Page I of: 4
SUBJECT:	In Re Application of:	CONFIRMATION COPY TO FOLLOW:
	Peter TAM et al.	☐ YES ☒ NO
	Serial No.: 09/996,407	
	Filing Date: November 21, 2001	
	Confirmation No.: 3091	
	Title: AS-NEEDED	-
	ADMINISTRATION OF TRICYCLIC	
	AND OTHER NON-SRI	
	ANTIDEPRESSANT DRUGS TO	
	TREAT PREMATURE	
	EJACULATION	
	Atty Dkt No.: 9050-0048.20	

Please see the attached Terminal Disclaimer for filing in the subject application.

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PTO/\$B/21 (08-03)

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PTO/SB/26 (08-03)

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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) 9050-0048.20

In re Application of: Pcter TAM et al.

Application No.: 09/996,407 Filed: November 21, 2001

For: AS-NEEDED ADMINISTRATION OF TRICYCLIC AND OTHER NON-SRI ANTIDEPRESSANT DRUGS TO TREAT PREMATURE EJACULATION

The owner, VIVUS Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,495,154. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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